

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 11
)
THOMAS MECHANICAL CORPORATION.) Case No. 08 B 19687
)
Debtor and Debtor in Possession.)
)
) Judge Carol A. Doyle
) Hearing: October 6, 2009 at 10:30 a.m.

NOTICE OF AMENDED EMERGENCY MOTION

To: See attached service list

PLEASE TAKE NOTICE that on **Tuesday, October 6, 2009, at 10:30 a.m.**, I shall appear before the Honorable Carol A. Doyle, or any other Judge sitting in her stead, in Courtroom 742, Dirksen Federal Building, 219 S. Dearborn St., Chicago, IL 60604, and shall then and there present the **Debtor's Amended Emergency Motion to Extend Time for Balloting and Confirmation**, a copy of which is enclosed and is herewith served upon you, and at which time and place you may appear and be heard.

Forrest L. Ingram
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Chicago, Illinois 60603
(312) 759-2838
ARDC #3129032

/s/ Forrest L. Ingram
One of Debtor's attorneys

CERTIFICATE OF SERVICE

I, Vik Chaudhry, a non-attorney, certify that I caused a true and correct copy of the above and foregoing Notice and the document, to which it refers, on all parties entitled to service at the address listed below, by electronic filing through ECF or by facsimile, as set forth on the attached service list, on October 5, 2009.

/s/ Philip Groben

SERVICE LIST

By ECF Notice and Facsimile:

Trustee

William T. Neary
Office of the U.S. Trustee, Region 11
219 S. Dearborn, 8th Floor
Chicago, IL 60602
Fax (312) 886-5794

SG Supply Company
c/o Emalfarb, Swan & Bain
440 Central Avenu
Highland Park, IL 60035
Fax (847) 432-8950

Plumbers Pension Fund Local 130 U.A. et al

Douglas A. Lindsay
Lewis, Overbeck & Furman, LLP
20 N. Clark Street, Suite 3200
Chicago, IL 60602-4187
312 580-1201 (fax)

The McClier Corporation

Francis J. Pendergast, III
Crowley & Lamb
350 N. LaSalle Street, Suite 900
Chicago, IL 60610
312 467-5926 (fax)

Eileen M. Sethna
Querrey & Harrow
175 West Jackson Blvd., Suite 1600
Chicago, IL 60604
312-540-0578 (fax)

Via Facsimile

Debtor

Thomas Mechanical Corporation
7115 North Avenue, Suite 524
Oak Park, IL 60302
leonathomas@sbcglobal.net
(773) 261-7339

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THOMAS MECHANICAL CORPORATION.)	Case No. 08 B 19687
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)	Judge Carol A. Doyle
)	Hearing: October 6, 2009 at 10:30 a.m.

**DEBTOR'S AMENDED EMERGENCY MOTION TO EXTEND TIME FOR
BALLOTING AND CONFIRMATION UNDER § 1121(e)**

NOW COMES Debtor, THOMAS MECHANICAL CORPORATION (the "Debtor"), by and through its attorneys at Forrest L. Ingram, P.C., and for Debtor's Emergency Motion to extend time for balloting and to confirm plan under 11 U.S.C. § 1121(e)(3). Debtor states the following:

1. On July 30, 2008, the Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy Code.
2. Debtor is a small business within the meaning of §101(51D).
3. On July 4, 2009, the Debtor filed its Amended Small Business Plan of Reorganization and Disclosure Statement.
4. 11 U.S.C. § 1129(e) provides:

In a small business case, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121 (e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121 (e)(3).

5. 11 U.S.C. § 1121(e)(3) provides:

In a small business case –

the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129 (e) within which the plan shall be confirmed, may be extended only if—

- (A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;
- (B) a new deadline is imposed at the time the extension is granted; and
- (C) the order extending time is signed before the existing deadline has expired.

6. This Court set a small business plan confirmation hearing to be held on October 6, 2009.

7. The Debtor has received one vote in favor of its Amended Small Business Plan, and is in the process of negotiating with The McClier Corporation (“McClie”), purported holder of an unsecured claim. Debtor has also gained assurances from SG Supply Company (“SG”) that once McClie releases payment to SG they will vote in favor of the plan.

8. Debtor has undergone extensive negotiations with McClie regarding the status of their claim. Debtor and McClie have been trading counter-proposals, and are currently working toward a mutually beneficial solution.

9. Since Debtor’s negotiations with McClie are still ongoing, and communications remain open, the facts support the claim that it is more likely than not the Court will confirm the plan within a reasonable time.

10. Debtor notes that it was unable to file this motion on October 2, 2009 because the Court’s PACER system was not operative from Friday afternoon through late Saturday (October 2-3).

11. Further, if the Debtor is unable to gain McClie’s support of the Amended Small Business Plan, the Debtor still will be in a position to file a motion to estimate McClie’s claim for purposes of voting and, a motion to compel McClie to release funds to SG. If Debtor is

unable to confirm a consensual plan, it can ask the Court to “cramdown” the Amended Small Business Plan over McClier’s objection.

WHEREFORE, the Debtor and Debtor in Possession prays that this Honorable Court enter an order granting Debtor’s relief pursuant to 11 U.S.C. § 1121(e), to extend time for balloting and for confirming its Amended Small Business Plan to November 3, 2009. Debtor asks for such other and further relief as may be just.

Respectfully submitted,

THOMAS MECHANICAL, INC.

By /s/ Forrest Ingram
One of its attorneys

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